



Relocation Assistance



NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

Division of Highways

IMPORTANT NOTICE

You are cautioned not to move from the property you now occupy without contacting your right-of-way agent to determine your eligibility for payments.

If you are a residential occupant, you must select a replacement dwelling that is “decent, safe and sanitary” (see definitions) in order to receive the replacement housing payment for which you may be eligible.

The right-of-way agent assigned to your claim is:

Name	_____
Address	_____ _____
Phone	_____
Fax	_____



**When In Doubt About Anything
Ask Your Right-of-Way Agent**

NOTES AND QUESTIONS

INTRODUCTION

This brochure has been prepared by the North Carolina Department of Transportation (NCDOT) as a general information notice for persons and businesses who must relocate because of state highway projects.

It is designed to explain the NCDOT programs which are intended to assist you and to make your relocation as easy as possible. The three basic programs which will help you in this respect are:

1. Relocation Moving Payments
2. Relocation Replacement Housing Payments
3. Relocation Assistance

You and all other persons located on this highway project must be moved before construction may begin. NCDOT sincerely regrets any inconvenience these relocations may cause. Your cooperation with the Department's right-of-way agent will help us in determining your needs and the payments for which you are eligible.

This pamphlet gives a brief outline of the Relocation Assistance Program. All subjects are explained in a general way. All payments are conditional upon approval of the Raleigh Central Office. Please contact your right-of-way agent, listed on page number one, before taking action on your relocation.

To assure eligibility and prompt payment for moving expenses, ***advanced written notice of the start of your move must be given to NCDOT***, including a list of items to be moved and the location of the new site. This information is important and will allow the Department to make timely inspections and monitor the move.

Remember, we are here to help and advise you. Be sure to make full use of our services. Do not hesitate to ask questions, and be sure you understand fully all of your relocation benefits and payments.

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DEFINITIONS

Displaced Person

A “*displaced person*” means any person (individual, family, corporation, partnership or association) who moves from real property as a result of the purchase of the real property, or as the result of a written notice of intent to purchase the real property; or as the result of a written notice from the State to vacate the real property which is needed for a highway project.

Business

The term “*business*” means any lawful activity, excepting a farm operation, conducted primarily for the purchase, sale, lease and rental of personal and real property, or for the manufacture, processing, or marketing of products, commodities, or any other personal property; or for the sale of services to the public; or primarily for outdoor advertising display purposes, when the display must be moved as a result of the highway project.

Farm Operation

The term “*farm operation*” means any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale and home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing material income to the operator’s support.

Non-profit Organization

The term “*non-profit organization*” means an organization that is incorporated under the applicable laws of the state as a non-profit organization and is exempt from paying federal income taxes under Section 501 of the Internal Revenue Code (U.S.C. 501).

Comparable Replacement (See page 7)

Decent, Safe and Sanitary (DSS) (See page 8)

A “Comparable” Replacement means...



Present Dwelling = Replacement Dwelling
 └ *Functionally Equivalent* ┘

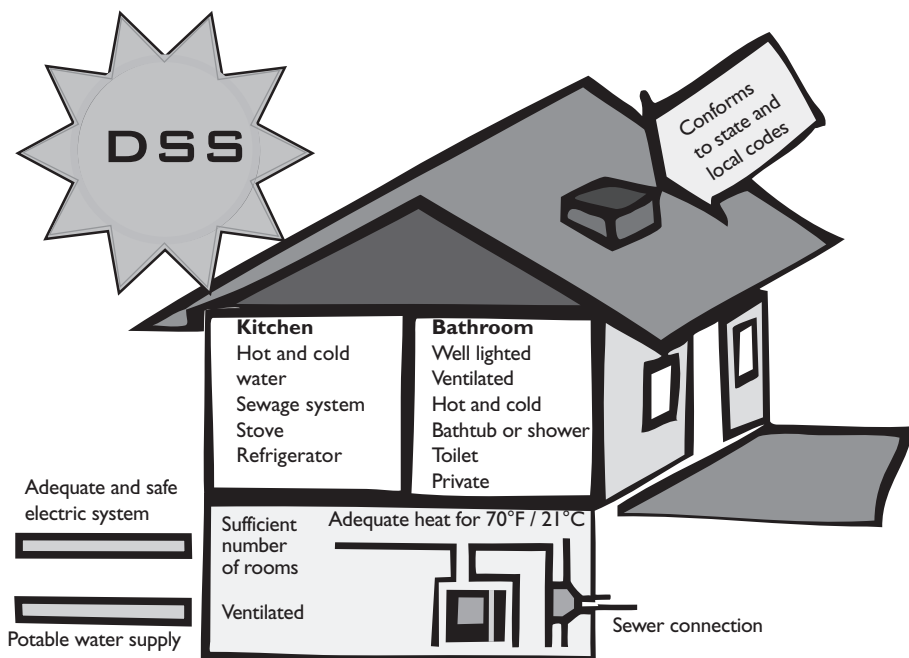
A “*comparable replacement*” dwelling is one which is decent, safe and sanitary (DSS) and functionally equivalent to your present home. The term “*functionally equivalent*” means that it may not be identical in nature but performs the same functions and provides the same utility. It should be located in an area with comparable public utilities, and public and commercial facilities, reasonably close to your place of employment, adequate to accommodate your needs, and within your financial means. It will be located in an equal or better neighborhood, and not subject to unreasonable adverse environmental factors. Also, the home must be available to you on the open market, unless you occupy public housing, in which case a similar public housing unit is considered to be comparable.

DEFINITIONS

“Decent, Safe and Sanitary (DSS)” means...

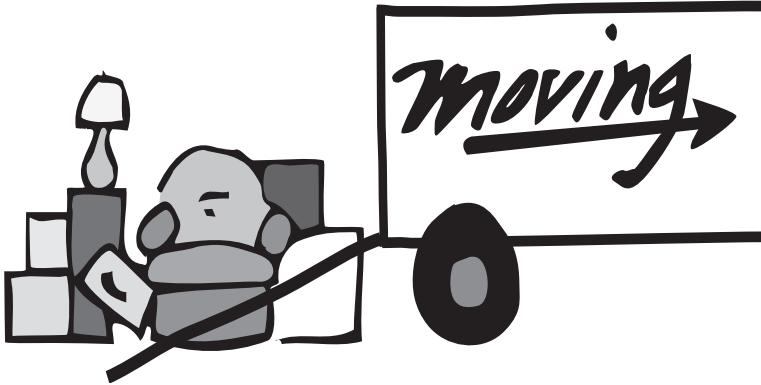
Replacement housing must be “*decent, safe and sanitary*” (DSS)... which means it meets all of the minimum requirements established by the state and conforms to local housing codes and ordinances for existing structures.

If you want to claim a housing payment, your replacement home will have to be approved by the state to meet these standards, and the state’s approval is solely for the purpose of determining your eligibility for payments and does not represent any other purpose. This approval should be secured prior to making any commitment to purchase or rent housing.



RESIDENTIAL OCCUPANTS

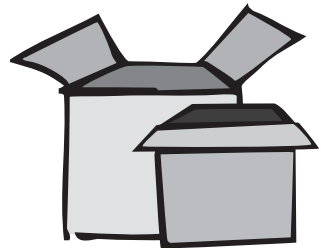
MOVING COST PAYMENT



You can choose either:

Actual Reasonable Moving Expenses Method

Temporary quarters
Storage
Transportation
Moving Insurance
Other related costs



OR

Fixed Moving Cost Schedule

Based upon the
number of rooms of
furniture in your house.

RESIDENTIAL OCCUPANTS

MOVING COST PAYMENT

Actual Cost Method and Fixed Rate Method

Actual Moving Cost Method

Actual reasonable moving expenses may be paid if you move by a commercial mover. Certain other costs are also paid if the state determines that such costs are necessary, such as transportation costs to the new location, temporary housing, storage of personal property, insurance costs while personal property is in storage or transit, and other relocation costs. These costs must be pre-approved, prior to moving. Your expenses must be reasonable and supported by receipted bills. Payment is also limited to a 50-mile moving distance.

Fixed Rate Method

You may choose to be paid on the basis of a **fixed moving cost schedule**. The amount of the payment is based on the number of rooms of furniture in your house.

Unfurnished units

1 Room	\$500
2 Rooms	\$700
3 Rooms	\$900
4 Rooms	\$1,100
5 Rooms	\$1,300
6 Rooms	\$1,500
7 Rooms	\$1,650
8 Rooms	\$1,800
Each Additional Room	\$150

Furnished units

1 Room	\$350
Each Additional Room	\$50
Dormitory or Boarding House Room	\$50

RESIDENTIAL OCCUPANTS

REPLACEMENT HOUSING PAYMENT



Replacement Housing Payments are separated into three basic types:

1. **Purchase Supplement** (See Page 13)
2. **Rent Supplement** (See Page 15)
3. **Down payment** (See Page 17)

The type of payment depends on whether you are an owner or a tenant, and how long you have lived in the property being purchased **before the first written offer to the owner**. Eligible displaced occupants (owners or tenants) of mobile homes are generally entitled to the same type moving and replacement housing payments as the occupant of a conventional home. Your right-of-way agent will explain these payments as they apply to you.

To receive the above payments, you will be required to supply to the right-of-way agent all papers to support your claim.

RESIDENTIAL OCCUPANTS

REPLACEMENT HOUSING PAYMENT

To receive a housing payment, you must be one of the following:

180-Day Owner

Owners who have owned and occupied their property for 180 days or more before the first written offer to purchase may be eligible for a purchase supplement from \$0.00 up to \$22,500; or a rent supplement from \$0.00 up to \$5,250.

90-Day Owner or Tenant

If you are an owner who has lived in a home from 90 days to 179 days, or if you are a tenant who has lived in a home 90 days or more before the first written offer to purchase, you may be eligible either for a rent supplement or a down payment from \$0.00 up to \$5,250.

Less Than 90-Day Occupant

If you are an occupant of less than 90 days, or occupy your dwelling after the owner has received the first written offer to purchase, you may be eligible for certain relocation benefits to be determined by the state. In this latter instance, you must be occupying the dwelling when it is purchased by the state to be considered for benefits. Although you will then be eligible for moving costs, you will not be eligible for a rent supplement unless comparable replacement housing is not available within your financial means.

Last Resort Housing

Last resort housing is designed to assist displaced persons whose housing supplement exceeds \$22,500 for 180-day owners and \$5,250 for tenants and 90-day owners who cannot otherwise be offered comparable housing. Any amounts exceeding the above limits will be handled on an individual basis and in the case of a tenant are usually paid over a 42-month period.

RESIDENTIAL OCCUPANTS

REPLACEMENT HOUSING PAYMENT

Purchase Supplement

For Owner-Occupants of 180 Days or More



If you are an owner and have lived in your home for 180 days or more before the first written offer for the purchase of your property, you may be eligible for a purchase supplement from \$0.00 up to \$22,500. This payment, when added to the fair market value of your home, is intended to meet reasonable costs necessary to purchase a comparable DSS replacement home. The state will compute the maximum payment you are eligible to receive, and in so doing, attempt to balance the scale as shown on the next page. You must purchase and occupy such a DSS replacement home within one year after the later of: (1) the date you moved or, (2) the date you received final payment for the purchase of your home or, (3) the date the required purchase amount is deposited in the courts.

You may be eligible for increased mortgage interest costs based on the remaining term of your existing mortgage(s). To be eligible, your present home must have a mortgage which has a valid lien for at least 180 days prior to the first written offer to purchase your property. A displaced person shall be advised of the **approximate** amount of this payment and conditions that must be met to receive a payment as soon as the facts relative to the person's current mortgage(s) are known.

You may also be paid for other expenses such as reasonable costs for title search, recording fees, pest inspection fee, home inspection fee (1) and certain other closing costs when such fees are normal to real estate purchases in your area. If you had a mortgage or equity line on the house the department purchases from you, you may also be paid for a new loan origination fee and points (limited to old balance) and certain other closing fees.

RESIDENTIAL OCCUPANTS

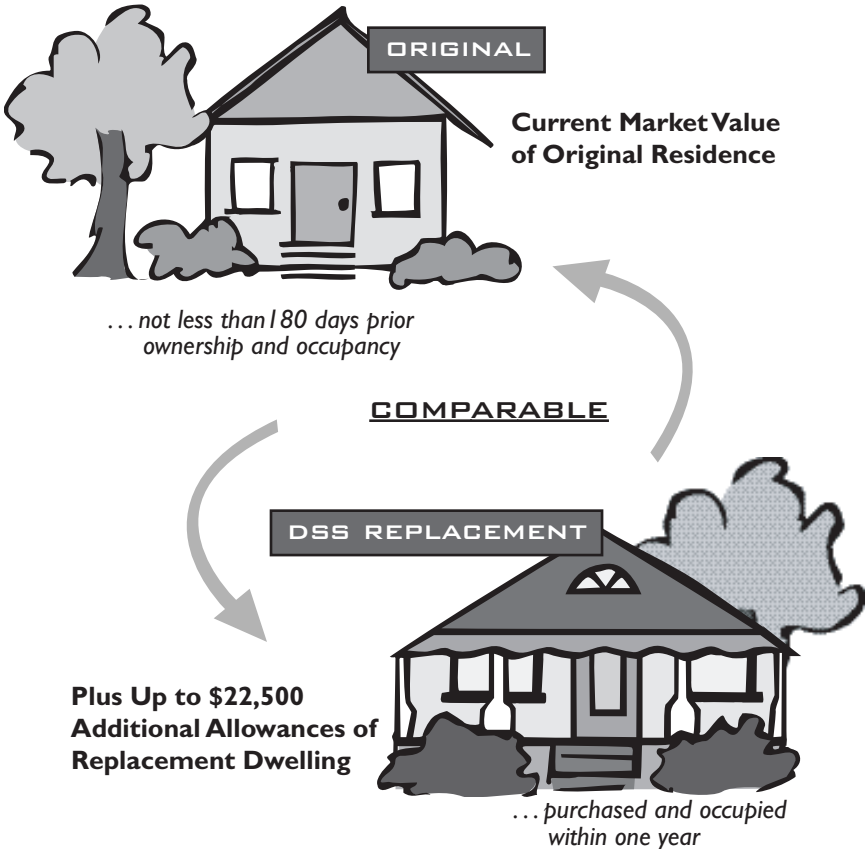
REPLACEMENT HOUSING PAYMENT



Purchase Supplement

If you decide to retain your home and occupy it after it is moved either onto remaining property or other property, the purchase supplement will be based on the cost you incur in relocating. Before you will be eligible for a payment, your relocation costs must exceed the amount paid by the state for your home and lot.

For 180-Day Owner-Occupants



RESIDENTIAL OCCUPANTS

REPLACEMENT HOUSING PAYMENT

Rent Supplement



For Owner-Occupants and Tenants of 90 Days or More

Owners and tenants of 90 days or more may be eligible for a rent supplement. To be eligible for this type of payment, tenants and owners must have lived in their homes at least 90 days before the first written offer for the purchase of the property. This type of payment is a supplement to help you rent a DSS replacement home for a 42-month period. If you choose to rent a replacement home and the rental payments are higher than you have been paying, you may be eligible for a payment from \$0.00 up to \$5,250. Your maximum payment, if any, will be determined by the state based on the rules that apply. In addition, you must rent and occupy a DSS replacement home within one year.

To determine the amount of payment you may be entitled to receive, you must furnish to your right-of-way agent the amount of the annual gross income of your household.

Tenants may also be entitled to a utility allowance which will be explained by the right-of-way agent.

RESIDENTIAL OCCUPANTS

REPLACEMENT HOUSING PAYMENT



Rent Supplement

For 90 Day Owner-Occupants and Tenants



Original Rent

... not less than 90 days
prior to occupancy

DIFFERENCE BETWEEN (COMPARABLE)

DSS REPLACEMENT

Determined Amount
of Replacement Rent



... rented and occupied
within one year

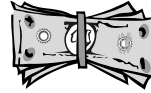


Payment may be \$0 or up to \$5,250 total for a 42-month period.

RESIDENTIAL OCCUPANTS

REPLACEMENT HOUSING PAYMENT

Down Payment



For owner-occupants of 90 to 179 days and tenants of 90 days or more

Owner-occupants of 90 to 179 days and tenants of 90 days or more who purchase instead of renting a decent, safe and sanitary replacement home can be paid an amount **from \$0.00 up to \$5,250, including closing costs**, toward a down payment on a decent, safe and sanitary replacement home of their choice if they meet all payment requirements.

Such payment will be based on the amount actually paid down to purchase your replacement home up to \$5,250. As stated above, you may also be paid for certain closing costs in the purchase of a replacement property, such as reasonable costs of a title search, recording fees, and certain other closing costs. Furthermore, you may be eligible for a payment for purchaser points and/or a loan origination fee, if such fees are normal to real estate transactions in your area.

The total payment from the state for the down payment and/or eligible closing costs **may not exceed \$5,250**. Any down payment must actually be used to reduce the purchase price and/or pay for closing costs. The displaced person may not keep any part of this payment. The full amount must be spent on the purchase and/or closing costs.

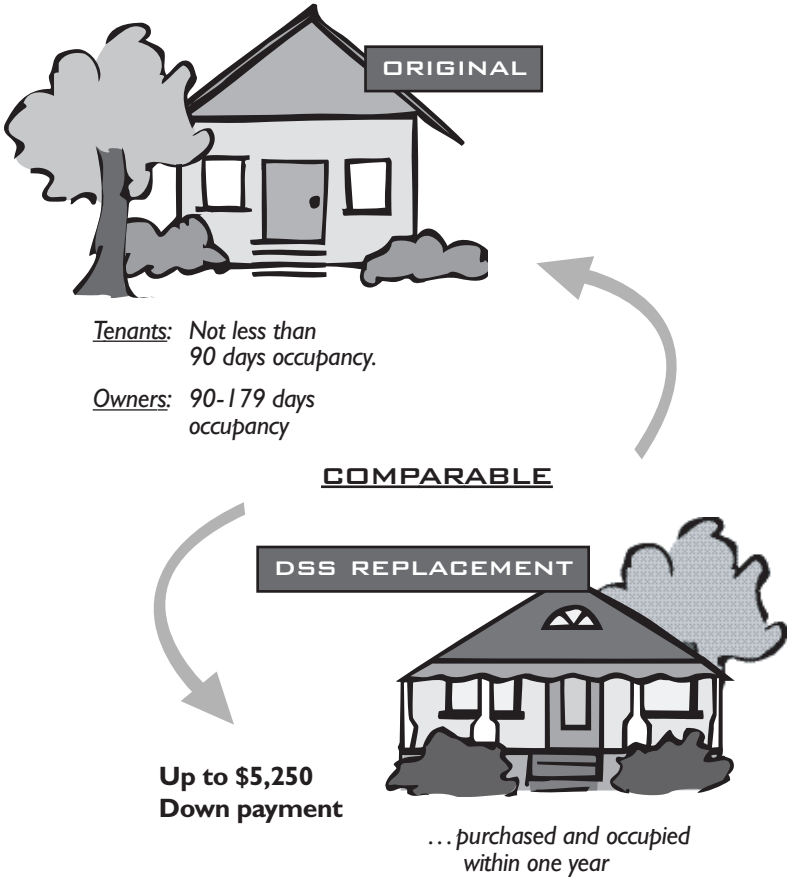
RESIDENTIAL OCCUPANTS

REPLACEMENT HOUSING PAYMENT



Down Payment

For 90 to 179 Day Owner-Occupants and 90 Day Tenants



Will be paid on replacement

RESIDENTIAL OCCUPANTS

REPLACEMENT HOUSING PAYMENT

Residential Assistance

A right-of-way agent from NCDOT will contact you personally to offer assistance. The agent will explain the services and payments available to you. During the first meeting, the agent will obtain information on your housing needs and desires as well as your need for services. In the agent's offer of assistance, you will be provided with current listings of comparable replacement housing which you can afford, are available on the open market and are "decent, safe and sanitary." Be assured that comparable replacement housing will be made available to you before you will be required to relocate. No person will be required to move without at least 90 days advance written notice. Once you have relocated, the agent will gladly help you in the filing of any payment claims. Information will also be available concerning federal and state housing programs, disaster loan programs, and other federal or state agencies offering assistance to displaced persons. The Fair Housing Law sets forth the policy for fair housing throughout the United States. This law and Executive Order 11063 made discriminatory practices in the purchase and rental of most residential units illegal if based on race, color, religion, sex or national origin.

Tenants will be required to pay rent to the department as soon as the department obtains ownership of the property and for as long as the tenant(s) continue to occupy the dwelling. Owners are given a grace period of 90 days following acquisition (closing or filing), and if in occupancy after that, are also required to pay rent in an amount which is determined by the department.

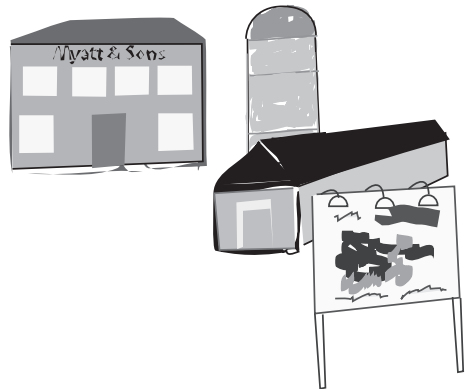
**BUSINESS • FARM •
NON-PROFIT ORGANIZATION
OCCUPANTS**

MOVING COST PAYMENT

You can choose either:

**Actual Reasonable
Moving Expenses Method**

- Costs to pack, move and unpack
- Reconnection fees to utility providers
- Annual licenses, fees, permits
- Re-establishment expenses
- Professional services for planning the move and analyzing alternate sites
- Loss of tangible personal property
- Searching for replacement property
- Other related costs such as one-time impact fees and provision of utilities from the parcel right of way to improvements on the parcel.



OR

Fixed Cost Method

Based on the average annual net earnings of the business or farm or gross revenues for a non-profit organization during the two taxable years immediately prior to the year of displacement. *(There are some criteria that must be met before choosing this option. Check with your right-of-way agent.)*

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OCCUPANTS**

MOVING COST PAYMENT

Actual Cost Method

Owners or tenants may be paid on the basis of actual reasonable moving costs and related expenses or, under certain circumstances, a fixed payment. The amounts to be paid must be approved in advance of the move.

Actual Cost Method

Actual reasonable moving expenses may be paid when the move is performed by a commercial mover or if you move yourself. You may also be reimbursed for related expenses such as personal property losses for property you do not move and expenses in searching for a replacement site.

Commercial Moves. You may be paid the actual reasonable costs of your move provided through the services of a commercial mover. All of your expenses must be supported by receipted bills in order to insure prompt payment of your moving cost claim.

Self-Moves. If you decide to move yourself, you may be paid an amount which does not exceed the lower of two firm bids or estimates. If estimates cannot be obtained, your moving payment may be based on your actual, reasonable moving expenses supported by receipted bills or other evidence of expenses incurred.

If the above methods are not used, you may elect to be paid on the basis of a moving cost finding made by a right-of-way agent.

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OCCUPANTS**

MOVING COST PAYMENT

Actual Cost Method

Related Expenses

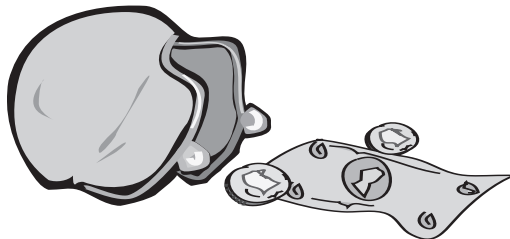
Actual direct losses of tangible personal property or substitution of personal property

Payment for losses of tangible personal property may be made when you decide not to move such property, but a payment of this type may only be allowed after you have made a bona fide effort to sell the items(s). You will be reimbursed for the reasonable expenses incurred as a result of the sale. Payment cannot exceed the estimated cost of moving such personal property.

Your right-of-way agent will explain this process in detail.

Searching expenses for replacement property

Displaced businesses, farms and non-profit organizations may be reimbursed for actual reasonable expenses in searching for a replacement property. Expenses may include costs such as transportation, meals, lodging when away from home, and the reasonable value of time actually spent in search. All expenses must be supported by receipted bills and/or other documentation as required by the state and cannot exceed \$2,500, the maximum limit set by the state.



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OCCUPANTS**

MOVING COST PAYMENT

Actual Cost Method

Re-establishment Expense

In addition to the payments already mentioned, a small business (having no more than 500 employees), farm or non-profit organization may be eligible to receive a payment, not to exceed \$10,000 for expenses actually incurred in relocating and re-establishing such small business, farm or non-profit organization at a replacement site.

Eligible expenses must be reasonable and necessary, as determined by NCDOT. They may include, but are not limited to the following:

- ☒ Repairs or improvements to the replacement real property as required by federal, state or local law, code or ordinance.
- ☒ Modifications to the replacement property to accommodate the business operation or make replacement structures suitable for conducting the business.
- ☒ Construction and installation costs, for exterior signing to advertise the business.
- ☒ Redecoration or replacement of soiled or worn surfaces at the replacement site, such as paint, paneling or carpeting.

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OCCUPANTS**

MOVING COST PAYMENT

Actual Cost Method

- ✓ Licenses, fees and permits when not paid as part of moving expenses.
- ✓ Feasibility surveys, soil testing and marketing studies.
- ✓ Advertisement of replacement location.
- ✓ Estimated increased costs of operation during the first two years at the replacement site, for such items as:
 - Lease or rental charges,
 - Personal or real property taxes,
 - Insurance premiums, and
 - Utility charges.
- ✓ Other items that the state considers essential to the re-establishment of the business.

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OCCUPANTS**

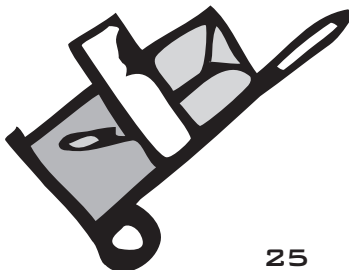
MOVING COST PAYMENT

Actual Cost Method

Ineligible Re-establishment Expenses

The following is a nonexclusive listing of re-establishment expenditures not considered to be eligible:

- X** Purchase of replacement land and/or structures.
- X** Purchase of capital assets, such as office furniture, filing cabinets, machinery, or trade fixtures.
- X** Construction of replacement structures.
- X** Purchase of manufacturing materials, production supplies, product inventory, or other items used in the normal course of the business operation.
- X** Interest on money borrowed to make the move or purchase the replacement property.
- X** Payment to a part-time business in the home which does not contribute materially to the household income.



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OCCUPANTS**

MOVING COST PAYMENT

Fixed Cost Method

Fixed-Cost Method

Displaced businesses, farms and non-profit organizations may be eligible for a Fixed Payment in lieu of actual moving expenses, actual direct losses of tangible personal property, searching expenses and re-establishment expenses. By this method, you may be eligible to receive a payment of not less than \$1,000, nor more than \$20,000. This payment is based on the average annual net earnings of the business or farm or gross revenues for a non-profit organization during the two taxable years immediately prior to the year of displacement. For a non-profit organization, the payment is the average of two years annual gross revenues, less administrative expenses, prior to the year of acquisition. These payments must be supported with state and federal income tax returns, financial statements or other forms of documentation as required by the state.

The displaced business, farm or non-profit organization is eligible for the payment if NCDOT determines it cannot be relocated without a substantial loss of its existing patronage (clientele or net earnings) and the business is not part of a commercial enterprise having more than three other entities which are not being acquired and which are under the same ownership and engaged in the same or similar business activities. If you elect this payment, the right-of-way agent will advise you of the method used to compute the payment.

For a farm operator to be eligible for a fixed payment, in the case of a partial acquisition, the Department must determine that the purchase of part of the land caused the operator to be displaced from the remaining land or caused a major change in the farm operation.

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OCCUPANTS**

RELOCATION ASSISTANCE

The right-of-way agent will maintain listings of commercial properties and farms whenever businesses, non-profit organizations and farms are displaced. Steps will be taken to minimize economic harm to them and to increase the likelihood of their being able to relocate back into the affected community. The agent will also explore and provide advice as to possible sources of funding and assistance from other local, state and federal agencies.



ADVERTISING SIGNS • MISCELLANEOUS MOVES • DEDUCTIONS FROM PAYMENTS

Advertising Signs

The owner of a displaced advertising sign is eligible to receive a payment for actual reasonable moving expenses as outlined in the Business Move Payment Section of this Brochure. (See Page 21)

Exceptions are:

The owner of an advertising sign may not be eligible for the Fixed Payment method or the Re-establishment Expense Payment.

Actual direct loss of tangible personal property is the lesser of (A) the depreciated reproduction cost determined by NCDOT; less the proceeds from its sale; or (B) the estimated cost of moving the sign.

Miscellaneous Moves

If you do not have to move, but have miscellaneous personal property in the right of way that is required to be moved, a payment will be authorized by your right-of- way agent, provided you meet the eligibility requirements.

**REVIEW PROCEDURES •
PAYMENTS NOT TAXABLE •
U.S. CITIZENSHIP**

Review Procedure

If you are unable to resolve your questions or particular situation, you may wish to request a review of your eligibility or the amount of any relocation payment by directing a written request to the Manager of Right of Way, 1546 Mail Service Center, Raleigh, N.C. 27699-1546.

This request should be submitted no later than **60 days** after the date you receive written notification of the State's determination on your eligibility status or amount of payment. Support and reason for your review should be submitted in writing and a form is available for your use. If the decision which you receive from the manager of the NCDOT Right-of-Way Branch is not satisfactory, you may seek judicial review in federal court.

Payments Not Taxable

Relocation payments made by the state on federal-aid projects are not taxable as income under tax law and will not cause any loss of federal assistance under Social Security or public assistance programs.

The state may require you to provide documentation to verify your eligibility to receive relocation assistance. This information is for official use only and will not be provided to any other sources without your approval and/or knowledge.

U.S. Citizenship

Only U.S. citizens or aliens legally residing in the U.S. are eligible for benefits. Proof of citizenship or legal alien status is required.

All questions you have pertaining to the purchase of your property by the Department should be directed to the right-of-way agent.

NOTES AND QUESTIONS

NOTES AND QUESTIONS

